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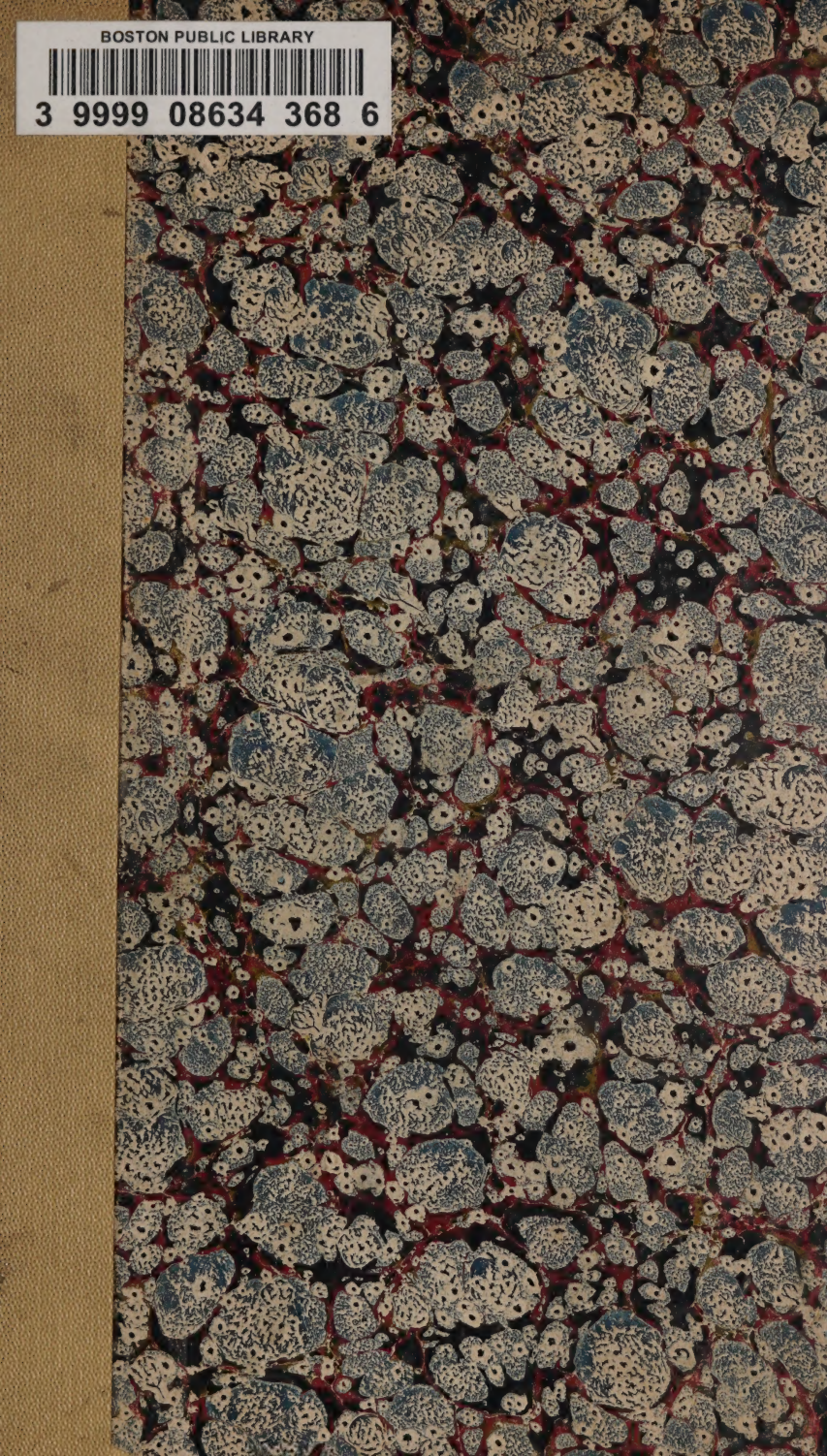

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REPORT AND RESOLVES

RELATING TO

SLAVERY IN THE DISTRICT OF COLUMBIA.

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Form 7543.3
1919
Mass. Anti-Slavery So
May 26. 1866

Commonwealth of Massachusetts.

The Committee, to whom was referred the Petition of Francis Jackson and others of Boston, together with 64 other petitions, from the citizens of various towns in the Commonwealth, all of the same tenor, praying the Legislature of Massachusetts, to protest against a certain resolution passed in the House of Representatives of the United States, on the 18th of January last, in relation to petitions on the subject of Slavery:

Also, To whom were referred the Petition of R. H. Leavitt and others of Heath, in the Commonwealth of Massachusetts, and 10 other Petitions, all of the same tenor, praying the Legislature of Massachusetts, to instruct the Senators and request the Representatives of Massachusetts, in the Congress of the United States, to endeavor to procure the Abolition of Slavery and the Slave Trade in the District of Columbia, and also, the petition of S. E. Sewall and others, citizens of Massachusetts in relation to Slavery,

REPORT:

The resolution, referred to in the first class of petitions aforesaid, is in the following words: "Resolved, that all petitions, memorials, resolutions, propositions or pa-

pers, relating in any way, or to any extent whatever, to the subject of slavery, shall, without being either printed or referred, be laid upon the table, and that no further action shall be had thereon."

In regard to this resolution, your Committee remark, that the point assumed by the petitioners is, that the said resolution is "a virtual denial to the people of the right of petition." The topics presented, then are, 1st., is the right of petition vested in the people? and 2d., if so, is this resolution a denial of that right?

In regard to the first enquiry, your Committee would observe, that no right is more strongly founded in justice, more clearly secured by the constitution, or more universally admitted, or more indispensable to the enjoyment of freedom, than that which gives to the people the privilege of laying their grievances before their rulers, and claiming for them a respectful consideration. It is a right which can never be surrendered with safety; every attempt to intercept its full and free exercise ought to be firmly and zealously resisted.

As to the question, whether the aforesaid resolution of the House of Representatives in the United States is, as the petitioners claim, a denial of the right of petition, your Committee hesitate not to give it an affirmative reply. It will be observed that the resolution applies not only to petitions, which have been presented, but to all petitions, memorials and papers, which may be presented, during the present session of Congress, in any way relating to the subject of slavery; and it disposes of these by laying them upon the table without reference, so that no farther action can be had thereon.

Your Committee cannot believe, that an elaborate argument is necessary, to show that such a proceeding is a

virtual denial of the right of petition. A right necessarily involves a claim to something. The right of petition involves a claim to a hearing, and a respectful consideration of the prayer. Let us apply this obvious rule to the facts in this particular case. A number of petitions are presented to the House of Representatives, on the subject of slavery. The ordinary course of proceeding would be to refer these to a committee, whose duty it would be to consider the same. But in the present case, this reference is not made. The petitions are laid upon the table, there to sleep in oblivion. They are thus stopped at the threshold; they are not taken into consideration, the prayer is not listened to: the petition is not entertained, discussed or considered. The petitioner is thus virtually denied admission into the legislative hall, and his right, to all practical purposes, destroyed.

Nor is this all. An edict goes forth to the world, that if any future petitioner comes before this House of Representatives, whose prayer may have any reference whatever to slavery, he shall not be heard. His petition shall not be read, considered, or entertained. It shall be laid upon the table, and no action whatever shall be had upon it. It is then a proclamation of this branch of the National Legislature, announcing to the citizens of the United States, that the right of petition in regard to this subject is foreclosed.

Your Committee are aware, that the topic of slavery is an exciting one, and that a large portion of the people of the United States conceive, that the agitation of the subject is hostile to the peace of the country. But it is equally certain, that thousands of our fellow citizens, inferior to none in intelligence, virtue and patriotism, be-

lieve it to be their duty, to press this matter upon the attention of Congress. In presenting their petitions, therefore, they do but exercise a right common to all, and as dear to them as to others. No one, then, can be insensible to the injustice which is done to them, and the injury that is inflicted upon liberty, by a gross violation of the rights of citizens, in the despotic act of one branch of our Legislature. Let us consider what would be our feelings, should such a course be adopted in relation to other subjects. Suppose, for instance, that the citizens of Massachusetts should petition Congress in relation to the tariff, and suppose that these petitions should be treated in the same manner as those relating to slavery. Would not every patriot bosom in the Commonwealth beat with indignation?

Your Committee cannot conceive that it is necessary to pursue this subject farther? It is sufficient to remark, that if this proceeding of the House of Representatives is right, in regard to the subject in question, it would be right in regard to every other. If this is sanctioned, the sacred right of petition is jeopardized, and placed at the mercy of a majority, whenever it may be their interest to deny it.

In regard to the topics, presented by the other petitions referred to your Committee, we have only to remark, that the right of Congress, to abolish slavery in the District of Columbia, appears to be plain, from the constitution of the United States, the terms upon which the territory was ceded to Congress, from the universal admission of this doctrine, until a very recent period, and from the considerations, that slavery in that District rests only upon the laws of Congress, and that Congress, having exclusive legislation therein, the institution must be per-

petual, if Congress cannot abolish it. With these views, your Committee recommend the adoption of the following preamble and resolutions.

Whereas, the House of Representatives of the United States, in the month of January, in the year of our Lord one thousand eight hundred and thirty-seven, did adopt a resolution, whereby it was ordered that all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, or the abolition of slavery, without being either printed or referred, should be laid upon the table, and that no further action whatever should be had thereon, and whereas, such a disposition of petitions, then or thereafter to be received, is a virtual denial of the right itself, and whereas, by the resolution aforesaid, which is adopted as a standing rule of the present House of Representatives, the petitions of a large number of the people of this Commonwealth, praying for the removal of a great, social, moral and political evil, have been slighted and contemned: therefore,

Resolved, That the resolution above named is an assumption of power and authority, at variance with the spirit and intent of the constitution of the United States, and injurious to the cause of freedom and free institutions; that it does violence to the inherent, absolute and inalienable rights of man; and that it tends essentially to impair those fundamental principles of natural justice and natural law, which are antecedent to any written constitutions of government, independent of them all, and essential to the security of freedom in a state.

Resolved, That our Senators and Representatives in Congress, in maintaining and advocating the full right of

petition, have entitled themselves to the cordial approbation of the people of this Commonwealth.

Resolved, That Congress, having exclusive legislation in the District of Columbia, possess the right to abolish slavery in the said District, and that its exercise should only be restrained by a regard to the public good.

For the Committee.

ARTEMAS LEE, *Chairman.*